

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA

v.

PAUL J. MANAFORT, JR.,

Defendant.

Case No. 1:18-cr-83 (TSE)

**NON-CONFIDENTIAL MEMORANDUM IN SUPPORT OF MOTION FOR
LEAVE TO FILE UNDER SEAL AN UNREDACTED VERSION OF THE
GOVERNMENT’S MEMORANDUM IN OPPOSITION TO DEFENDANT
PAUL J. MANAFORT, JR.’S MOTION TO SUPPRESS**

Pursuant to LCrR 49(A), (D), and (E), the United States of America, by and through Special Counsel Robert S. Mueller, III, hereby files this motion for leave to file under seal an unredacted version of the government’s memorandum in opposition to defendant Paul J. Manafort, Jr.’s (Manafort) motion to suppress evidence obtained from a search of his residence (Doc. 47).

1. On April 30, 2018, Manafort filed a motion to suppress evidence obtained from a search of his residence conducted on July 27, 2017. He appended to his memorandum in support of that motion a redacted version of the search warrant affidavit and search warrant return. *See* Doc. 48-1, Doc. 48-2.

2. On May 11, 2018, Manafort filed in this Court a motion (Doc. 56) to submit under seal a largely unredacted copy of the search warrant materials produced to Manafort pursuant to a protective order governing discovery in the pending case against him in the District of Columbia, *United States v. Manafort*, No. 1:17-cr-201-ABJ (D.D.C.). The fully unredacted copies of the warrant materials remain under seal in this Court and are the subject of two strands of litigation in

the District of Columbia. First, Manafort has moved in his D.C. criminal prosecution for unredacted copies of certain search warrant materials. Doc. 242, *United States v. Manafort*, 1:17-cr-201 (D.D.C. March 28, 2018). Second, a group of media companies has filed an application under Local Criminal Rule 57.6 of the U.S. District Court for the District of Columbia for access to, among other things, search warrant materials in the Manafort criminal case. *In re Application of Associated Press, et al.*, 1:18-mc-41 (D.D.C. Apr. 25, 2018). Both of those motions remain pending before the D.C. district court.

3. This Court has the inherent authority to order that documents be filed under seal, by balancing the relevant interests. *See In re Knight Pub. Co.*, 743 F.2d 231, 235 (4th Cir. 1984); LCrR 49(A), (D), and (E). Here, that balance weighs in favor of allowing the government to file an unredacted version of its memorandum under seal. In particular, to respond fully to the arguments in Manafort's motion to suppress, the government needs to refer to portions of the warrant materials that remain under seal in this Court and that are the subject of ongoing litigation in the District of Columbia. At the same time, the government is filing on the public docket a redacted version of its memorandum that blacks out those references but otherwise strives to minimize the amount of material withheld from the public. Allowing the government to file an unredacted version of its memorandum under seal is an appropriate way to balance the government's interest in making a fulsome response to Manafort's arguments, the public's interest in access to court documents, and the pending sealing-related litigation in the District of Columbia, including any privacy interests that Manafort himself may have in the result of that litigation. *See* Doc. 57 (Def. Mem. in Support of Leave to File Under Seal) at 1 (noting that Manafort filed redacted versions of the warrant materials here in part to "protect[] the defendant's privacy").

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For the foregoing reasons, the Court should grant the government leave to file under seal an unredacted version of its memorandum in opposition to Manafort's motion to suppress.

Respectfully submitted,

ROBERT S. MUELLER, III
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Dated: May 14, 2018

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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of May, 2018, I will cause to be filed electronically the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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